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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
GILBERTO ARTEAGA ET AL.,  
  
Defendants.

CASE NO. 1:23-CR-00149-JLT-SKO  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: 10/18/2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**BACKGROUND**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on 10/18/2023.
2. By this stipulation, defendants now move to continue the status conference until 1/17/2024, and to exclude time between 10/18/2023, and 1/17/2024, under 18 U.S.C. § 3161(h)(7)(A), B (i), (iv).
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes cellphone extractions, investigative reports, and various media evidence. These materials have been produced to the defense and/or made available for inspection and copying.
  - b) Counsel for defendants desire additional time consult with their clients, review the

1 voluminous discovery, conduct independent investigation, and pursue a potential pretrial  
2 resolution of the case.

3 c) The government plans to make plea offers before the next status conference.

4 d) Counsel for defendants believe that failure to grant the above-requested  
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
6 into account the exercise of due diligence.

7 e) The government does not object to the continuance.

8 f) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of 10/18/2023 to 1/17/2024,  
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv) because  
14 failure to grant the continuance would deny the defendant reasonable time to obtain counsel,  
15 would unreasonably deny the defendant or the Government continuity of counsel, or would deny  
16 counsel for the defendant or the attorney for the Government the reasonable time necessary for  
17 effective preparation, taking into account the exercise of due diligence.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
20 must commence.

21 IT IS SO STIPULATED.

22  
23  
24 Dated: September 29, 2023

PHILLIP A. TALBERT  
United States Attorney

25  
26 /s/ JUSTIN J. GILIO  
JUSTIN J. GILIO  
27 Assistant United States Attorney  
28

1 Dated: September 29, 2023

/s/ Miles Harris

Miles Harris

Counsel for Defendant

Gilberto Arteaga

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3  
4 Dated: September 29, 2023

/s/ Melissa Baloian

Melissa Baloian

Counsel for Defendant

Juan Castro

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6  
7 Dated: September 29, 2023

/s/ Michael G. McKneely

Michael G. McKneely

Counsel for Defendant

Shannon Calhoun

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9  
10 Dated: September 29, 2023

/s/ Richard A. Beshwate

Richard A. Beshwate

Counsel for Defendant

Richard Garcia

11  
12  
13  
14 **ORDER**

15 IT IS SO ORDERED.

16 DATED: 10/12/2023

*Sheila K. Oberto*

17 THE HONORABLE SHEILA K. OBERTO  
18 UNITED STATES MAGISTRATE JUDGE  
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